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7 Attorneys for Phillip Christensen, as Receiver

8 **UNITED STATES DISTRICT COURT**

9 **EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION**

10
11 METROPOLITAN LIFE INSURANCE
COMPANY, a New York corporation,

12 Plaintiff,

13 vs.

14 ACDF, LLC, a California limited liability
15 company, et al.,

16 Defendants.

Lead Case No. 1:24-cv-01261-KES-SAB

Consolidated with Case Nos:
1:24-cv-01226; 1:24-cv-01230; 1:24-cv-
01231; 1:24-cv-01232; 1:24-cv-01233; 1:24-
cv-01235; and 1:24-cv-01241

**NOTICE OF PROPOSED ACTION AND
MOTION TO APPROVE
DISBURSEMENT OF MANNING
ESTATE CROP PROCEEDS;
MEMORANDUM OF POINTS AND
AUTHORITIES AND DECLARATIONS
OF PHILIP CHRISTENSEN AND ZEV
SHECHTMAN IN SUPPORT THEREOF**

[Notice Per Receivership Order, Doc. No. 45,
Paragraph 50]

- 17
18 ☐ Affects All Cases
19 ☐ Affects Metropolitan Life Ins. Co. v.
ACDF, LLC, et al., 1:24-cv-01261
20 ☐ Affects Metropolitan Life Ins. Co. v.
FNF Farms, LLC, et al., 1:24-cv-01226
21 ☐ Affects Metropolitan Life Ins. Co. v. C
& A Farms, LLC, et al., 1:24-cv-01230
22 ☐ Affects Metropolitan Life Ins. Co. v.
Maricopa Orchards, LLC, et al., 1:24-
23 cv-01231
24 ☐ Affects Brighthouse Life Ins. Co. v.
Kamm South, LLC, et al., 1:24-cv-
25 01232
26 ☒ Affects Brighthouse Life Ins. Co. v.
Manning Avenue Pistachios, LLC, et
27 al., 1:24-cv-01233
28 ☐ Affects Brighthouse Life Ins. Co. v.
ACDF, LLC, et al., 1:24-cv-01235

☐ Affects MetLife Real Estate Lending, LLC v. Panoche Pistachios, LLC, et al., 1:24-cv-01241

Phillip Christensen, as Receiver (the “Receiver”) in the above-captioned administratively consolidated civil actions (the “Receivership Cases” or “Receivership”), hereby submits this Motion (the “Motion”) for entry of an order in the form of Exhibit “1” hereto, approving the disbursement of proceeds arising from crops grown in 2023 and 2024 on one of the Receivership properties, in connection with *Brighthouse Life Ins. Co. v. Manning Avenue Pistachios, LLC, et al.*, 1:24-cv-01233 (the “Manning Estate”).

This Motion is based on the below Memorandum of Points and Authorities, the Declarations of Phillip Christensen and Zev Shechtman filed concurrently herewith and such other evidence as may be properly submitted to the Court at or before the hearing.

Notice is further given that any objection to this Motion must be filed within seven days after the filing hereof. See Appointment Orders ¶ 50. If no party-in-interest files a written objection within seven days hereof, the Receiver may submit the proposed order for entry by the Court, supported by a declaration attesting that no objections were filed.

The Receiver’s counsel conferred with counsel for the Defendants and counsel for U.S. Bank before filing this Motion and neither stated an objection to the relief sought.

DATED: September 18, 2025

SAUL EWING LLP

By:

ZEV SHECHTMAN

Attorneys for Philip Christensen, as Receiver

SAUL EWING LLP
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MEMORANDUM OF POINTS AND AUTHORITIES

I.

INTRODUCTION

The Receiver prays for the Court’s approval of the Motion to approve the disbursement of proceeds arising from crops grown in 2023 and 2024 on property of the Manning Estate. The proposed disbursement is intended to cover administrative expenses of the Manning Estate. Pursuant to the Appointment Orders and in exercise of his sound discretion, the Receiver prays that the Court grant this Motion.

II.

STATEMENT OF FACTS

A. Receivership Background

Between October 9 and October 16, 2024, the Plaintiffs filed eight Receivership Cases. After briefing and hearings on the appointment of the Receiver, the Court entered agreed orders in the eight cases appointing the Receiver (the “Appointment Orders”). Lead Case, ECF No. 45. On December 10, 2024, the Plaintiffs filed an unopposed motion to consolidate the eight Receivership actions for administrative purposes. Lead Case, ECF No. 53. On December 12, 2024, the Court entered its order consolidating the cases for administrative purposes, allowing parties to file papers relating to the administration of the eight Receivership Cases in the Lead Case. On January 8, 2025, the Court entered an order granting the Plaintiffs’ unopposed motion to continue the Receivership. Lead Case, ECF No. 80.

B. Receivership Appointment Order

The Appointment Orders authorize the Receiver to collect and hold proceeds arising from crops grown in 2023 and 2024 on the Receivership Properties (collectively, the “Proceeds”). Lead Case, ECF No. 45. With respect to the disbursement of the Proceeds, Section II of the Appointment Orders state, in relevant part, that:

36. The Receiver shall collect and hold the Proceeds in a Receivership account

in trust for creditors with security interests in such Proceeds, to be disbursed by the Receiver only upon further order of the Court. Prior to disbursement, the existing security interests of Plaintiff, and any other secured creditor (including U.S. Bank, as applicable) shall attach to such Proceeds with the same validity, extent, and priority as they had on the 2023 and 2024 Crops and the products and proceeds thereof prior to the appointment of the Receiver. The Receiver shall have no right to surcharge the Proceeds and any Receiver's Certificate issued hereunder shall be junior in priority to the security interest of the secured creditors in the Proceeds.

Appointment Orders ¶ 36.

With respect to the use of the Proceeds, Section III of the Appointment Orders state, in relevant part, that:

39. The Receiver shall pay the operating expenses of the MetLife Receivership Property from the income generated by the MetLife Receivership Property, and to the extent MetLife Receivership Property income is inadequate to pay the operating expenses, may borrow money from Plaintiff ("Receivership Advances").

Appointment Orders ¶ 39.

C. Progress of the Receivership

Pursuant to the Appointment Orders, the power and duties of the Receiver include the authority to manage and control the Receivership Properties. Lead Case, ECF No. 45 at ¶ 5. Specifically, the Receiver is authorized to "cultivate, prune, fertilize, irrigate and take all such actions as in his business judgement are necessary to preserve the permanent plantings growing" on the Receivership Properties. *Id.* Since appointment, the Receiver has managed, and continues to manage, the cultivation, harvest, and sale of pistachios, almonds, and other crop and fallow ground on the Receivership Properties. The Receiver's activities include fertilization, soil treatments, tree pruning, and repairs to the irrigation infrastructure of the Receivership Properties. See, e.g., Lead Case, ECF No. 141 at pg. 82. Additionally, the Receiver manages the implementation of water sanitation practices to mitigate insect damage and herbicide and fungicide application. *Id.* In cultivating the Receivership Properties and preparing for harvest, the Receiver has advanced necessary operational expenses, and MetLife has reimbursed the Receiver for such expenses. The Appointment Orders contemplate that the Receivership expenses will be paid from income generated by the Receivership Estates.

1 The Receiver is pursuing sales of the Receivership Properties. For example, on February
 2 19, 2025, the Receiver filed a motion for approval of sale procedures of the Receivership
 3 Properties in order to establish a path for a commercially successful sale. Lead Case, ECF No.
 4 101. On April 1, 2025, the Court entered an order granting the Receiver's motion for approval of
 5 sale procedures. Lead Case, ECF No. 132.

6 As of September 10, 2025, the Receiver has received a total of \$639,265.26 in crop
 7 proceeds from Manning Ranch, the subject of the above-captioned Receivership Case
 8 (*Brighthouse Life Ins. Co. v. Manning Avenue Pistachios, LLC, et al.*, 1:24-cv-01233). Of that
 9 amount, \$274,666.58 was originally used to pay accounts payable, including irrigation water,
 10 technical consulting, farm management, property taxes, accounting fees, legal fees, bank fees, fire
 11 and liability insurance, receiver fees, and miscellaneous expenses. However, Plaintiff reimbursed
 12 that amount so that the Receiver is now holding \$639,110.09 (after \$155.17 in bank fees) in a
 13 separate account pursuant to paragraph 36 of the Appointment Orders.

14 15 **D. Proposed Disbursement**

16 Pursuant to paragraph 36 of the Appointment Orders, the Receiver seeks authority to
 17 disburse Proceeds. Lead Case, ECF No. 45. The Receiver intends to use the Proceeds for
 18 administrative expenses related to Manning Ranch, including cultural costs and professional fees.
 19 Christensen Decl. at ¶¶ 5-8. The proposed disbursements are necessary to maintain farming
 20 operations and to fulfill the Receiver's duties pursuant to the Appointment Orders and in a manner
 21 consistent with the best interests of the Receivership estate. *Id.* The amounts to be disbursed are
 22 set forth in the Receiver's below declaration and the attached Exhibit 2. *Id.*

23 24 **III.**

25 **LEGAL DISCUSSION**

26 As set forth in the Court's order, the Court holds inherent equitable power to order the
 27 appointment of a receiver and in the oversight of the actions taken by the Court's receiver. Lead
 28 Case, ECF No. 45.; *See Winkler v. McCloskey*, 83 F.4th 720 (9th Cir. 2023) (noting that a

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receiver's power derives from the court's equitable authority). The Appointment Orders authorize and direct the Receiver to collect and hold the Proceeds in a Receivership account in trust for creditors and disburse the Proceeds only upon further order of the Court. Lead Case, ECF No. 45 at ¶ 36. Additionally, paragraph 39 in the Appointment Orders instructs the Receiver to pay the operating expenses of the Receivership Properties with Proceeds generated by the Receivership Properties. The Appointment Orders require the Receiver to obtain the Court's approval before making a disbursement of the Proceeds. Pursuant to the Appointment Orders and the Court's equitable powers, the Receiver seeks authority to disburse and use the Proceeds to pay the Receivership's administrative expenses. The proposed disbursements are as set forth in Exhibit 2. The Receiver should be authorized to use the Proceeds to pay such expenses and such other expenses as may be necessary for the preservation of the Manning Estate's assets.

IV.


CONCLUSION

The Receiver respectfully requests that the Court enter an order granting this Motion to approve disbursement of the Proceeds in the form of Exhibit "1" hereto and for such other proper relief the Court deems just and proper.

DATED: September 18, 2025

SAUL EWING LLP

By:



ZEV SHECHTMAN

Attorneys for Philip Christensen, as Receiver

DECLARATION OF PHILIP CHRISTENSEN

I, Phillip Christensen, declare as follows:

1. I am the Receiver in the above-entitled action. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would competently testify to such facts under oath.

2. I make this declaration in support of my above Motion. Defined terms are the same as in the Motion. I have reviewed and approved the Motion described therein.

3. Attached as Exhibit 1 is a copy of the proposed Order.

4. The Receivership Properties are agricultural lands, comprised primarily of pistachio crops in Fresno and Kern Counties.

5. I have determined in my business judgement that the disbursements proposed in the above Motion are necessary to fulfill my duties and to maintain the ongoing viability of the farming operations at the Receivership Properties.

6. In cultivating the Receivership Properties and preparing for harvest, I have advanced necessary operational expenses, including but not limited to seed, fertilizer, and irrigation costs. As of July 14, 2025, I have received a total of \$639,265.26 in 2023 and 2024 crop proceeds from one of the receivership properties, Manning Ranch. I am holding those funds in a separate account (minus \$155.17 in bank fees).

7. The proposed disbursements are set forth in Exhibit 2 hereto. To the extent there additional administrative expenses necessary to preserve the estate's assets beyond those set forth in Exhibit 2, I request authority to use the remaining proceeds to pay such expenses in my discretion.

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1 8. I believe in my professional and business judgment that the relief requested in the
2 Motion is in the best interest of these estates and should be approved.

3
4 I declare under penalty of perjury under the laws of the United States of America that the
5 foregoing is true and correct.

6 Executed on this 10th day of September, 2025, at Fresno, California.

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10 Philip Christensen

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DECLARATION OF ZEV SHECHTMAN

I, Zev Shechtman, declare as follows:

1. I am an attorney duly licensed to practice before all of the courts in the State of California and admitted in this Court. I am a partner with Saul Ewing LLP, counsel of record for Phillip Christensen, as Receiver in this action. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would competently testify to such facts under oath.

2. Before filing this Motion, I emailed counsel for Defendants and U.S. Bank about the relief requested in the above motion. Neither stated an objection to the relief sought.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed on this 18th day of September, 2025, at Los Angeles, California.


Zev Shechtman

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EXHIBIT 1

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Attorneys for Philip Christensen, as Receiver

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

METROPOLITAN LIFE INSURANCE
COMPANY, a New York corporation,

Plaintiff,

vs.

ACDF, LLC, a California limited liability
company, et al.,

Defendants.

Lead Case No. 1:24-cv-01261-KES-SAB

Consolidated with Case Nos:
1:24-cv-01226; 1:24-cv-01230; 1:24-cv-
01231; 1:24-cv-01232; 1:24-cv-01233; 1:24-
cv-01235; and 1:24-cv-01241

**[PROPOSED] ORDER GRANTING
MOTION TO APPROVE
DISBURSEMENT OF MANNING
ESTATE CROP PROCEEDS**

- ☐ Affects All Cases
- ☐ Affects Metropolitan Life Ins. Co. v.
ACDF, LLC, et al., 1:24-cv-01261
- ☐ Affects Metropolitan Life Ins. Co. v.
FNF Farms, LLC, et al., 1:24-cv-01226
- ☐ Affects Metropolitan Life Ins. Co. v. C
& A Farms, LLC, et al., 1:24-cv-01230
- ☐ Affects Metropolitan Life Ins. Co. v.
Maricopa Orchards, LLC, et al., 1:24-
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- ☐ Affects Brighthouse Life Ins. Co. v.
Kamm South, LLC, et al., 1:24-cv-
01232
- ☒ Affects Brighthouse Life Ins. Co. v.
Manning Avenue Pistachios, LLC, et
al., 1:24-cv-01233
- ☐ Affects Brighthouse Life Ins. Co. v.
ACDF, LLC, et al., 1:24-cv-01235

55630978.5 392865-00009

1

[PROPOSED] ORDER APPROVING
DISBURSEMENT OF MANNING ESTATE
CROP PROCEEDS

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☐ Affects MetLife Real Estate Lending,
LLC v. Panoche Pistachios, LLC, et
al., 1:24-cv-01241

The Court having heard and considered the Motion (the “Motion”) for entry of an order approving the disbursement of proceeds arising from crops grown in 2023 and 2024 in the above-the above-captioned Receivership Case, *Brighthouse Life Ins. Co. v. Manning Avenue Pistachios, LLC, et al.*, 1:24-cv-01233 (the “Manning Estate”), Doc. No. 165, filed by Philip Christensen, as Receiver (the “Receiver”) on September 18, 2025; there being good cause; it is hereby

ORDERED THAT:

1. The Motion is granted.
2. The Receiver is authorized to disburse the crop proceeds of the Manning Estate of up to 639,265.26 as set forth in the Motion.

IT IS SO ORDERED.

Dated September __, 2025

UNITED STATES DISTRICT JUDGE

55630978.5 392865-00009

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[PROPOSED] ORDER APPROVING
DISBURSEMENT OF MANNING ESTATE
CROP PROCEEDS

EXHIBIT 2

Exhibit 2

MANNING AVENUE PISTACHIOS LLC RECEIVERSHIP ESTATE	
ESTIMATED EXPENSES 09/01/2025 - 12/31/2025	
EXPENSE CATEGORY	AMOUNT
Accounts Payable (As of 09/01/2025)	\$ 148,990
Irrigation Water - September - December (Pistachios)	118,260.00
Irrigation Water - September - December (Pistachios)	69,200.00
Property Taxes - Paid in November/December	35,000.00
Harvest Expense - Almonds	62,104.00
Harvest Expense - Pistachios	100,000.00
Receiver Fees (Through 12/31/2025)	30,000.00
Irrigation District Landowner Assessment Fees	25,000.00
Winter Sanitation (Almonds - November/December)	12,000.00
Pruning - Pistachios	15,000.00
TOTAL:	\$ 615,554

1 **PROOF OF SERVICE OF DOCUMENT**

2 I am over the age of 18 and not a party to this case. My business address is: **Saul Ewing**
3 **1888 Century Park East, Suite 1500, Los Angeles, CA 90067.**

4 A true and correct copy of the document entitled: **Notice of Proposed Action and**
5 **Motion to Approve Disbursement of Manning Estate Crop Proceeds; Memorandum of**
6 **Points and Authorities and Declarations of Philip Christensen and Zev Shechtman in**
7 **Support Thereof** will be served or was served on the judge in chambers in the manner stated
8 below:

9 **1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING**
10 **(NEF)**: The foregoing document will be served by the court via NEF and hyperlink to the
11 document. On **September 18, 2025**, I checked the CM/ECF docket for this case and determined
12 that the following persons are on the Electronic Mail Notice List to receive NEF transmission at
13 the email addresses stated below:

14 ☒ Service information continued on attached page

15 **2. SERVED BY UNITED STATES MAIL:**

16 On **September 18, 2025**, I served the following persons and/or entities at the last known addresses
17 in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a
18 sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows.
19 Listing the judge here constitutes a declaration that mailing to the judge will be completed no later
20 than 24 hours after the document is filed

21 ☒ Service information continued on attached page

22 **3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE**
23 **TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to
24 F.R.Civ.P. 5 on **September 18, 2025**, I served the following persons and/or entities by personal
25 delivery, overnight mail service, or (for those who consented in writing to such service method),
26 by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration
27 that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours
28 after the document is filed.

☒ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

September 18, 2025	Hannah Richmond	/s/ Hannah Richmond
<i>Date</i>	<i>Printed Name</i>	<i>Signature</i>

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):**

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4 Natalya M. Ferdinandi
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6 **3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE**
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